

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RETIREE BENEFIT TRUST OF THE CITY OF
BALTIMORE, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

MALIBU BOATS, INC., JACK SPRINGER,
BRUCE BECKMAN, DAVID BLACK, and
WAYNE WILSON,

Defendants.

Case No. 1:24-cv-03254-LGS

**DEFENDANTS' NOTICE OF MOTION TO
DISMISS PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Sarah M. Lightdale and the exhibits annexed thereto, and all other papers and proceedings herein, Defendants Malibu Boats, Inc., Jack Springer, Bruce Beckman, David Black, and Wayne Wilson, by and through their undersigned counsel, will move this Court, before the Honorable Lorna G. Schofield, at a date and time to be determined by the Court, for entry of an order dismissing with prejudice Plaintiff's Amended Class Action Complaint (ECF No. 43). Defendants move to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) and for failure to meet the pleading requirements of Federal Rule of Civil Procedure 9(b) and the Private Securities Litigation Reform Act of 1995, as amended.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's order dated August 15, 2024 (ECF No. 36), Plaintiff has until December 6, 2024 to file its opposition to Defendants' motion to dismiss.

Dated: New York, New York
November 8, 2024

Respectfully submitted,

COOLEY LLP

By: /s/ Sarah M. Lightdale
Sarah M. Lightdale
Aric H. Wu
Reed A. Smith
Anne E. Bigler

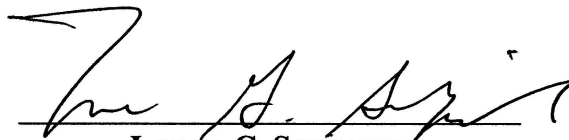
55 Hudson Yards
New York, NY 10001
Tel: (212) 479-6000
Fax: (212) 479-6275
slightdale@cooley.com
ahwu@cooley.com
reed.smith@cooley.com
abigler@cooley.com

Brett De Jarnette (*pro hac vice pending*)
3175 Hanover Street
Palo Alto, CA 94304
Tel: (650) 843-5000
Fax: (650) 849-7400
bdejarnette@cooley.com

*Attorneys for Defendants Malibu Boats, Inc., Jack
Springer, Bruce Beckman, David Black, and
Wayne Wilson*

The motion is **DENIED** without prejudice to renew. A conference is scheduled for September 23, 2025, at 3:00 P.M. to discuss next steps. The conference will be held IN PERSON at the Thurgood Marshall United States Courthouse, Southern District of New York, 40 Foley Square, New York, New York at Room 1106. If lead counsel for any party is located outside of New York City or would experience a hardship from an in-person appearance and would prefer to appear remotely, they should notify the Court immediately by filing a letter on the docket so that arrangements can be made. So Ordered. The Clerk of Court is respectfully directed to terminate the motion at Dkt. 50.

Dated: July 15, 2025
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE